

is likely to achieve a level of safety equal to that existing without the exemption. The Agency is granting the exemption for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to Thomas G. Deke.

### Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicant in the exemption document.

### Discussion of Comments

FMCSA received four comments in this proceeding. The comments are considered and discussed below.

Three letters of recommendation were received in favor of granting the Federal diabetes exemption to Mr. Thomas Deke. They suggested that this applicant be granted the Federal diabetes exemption due to his high level of professionalism and safety while driving.

One individual commented that the application process is burdensome and discriminatory. She also stated that she feels that many diabetic drivers are not forthcoming with medical information during their physical examinations because they fear they will lose their commercial license.

FMCSA has initiated numerous improvements in the application process for exemption program applicants, including developing Web-based solutions to streamline the application process and redrafting the application to incorporate SAFETEA-LU changes and to make it user friendly. FMCSA notes that SAFETEA-LU provides specific changes to the driving requirement for interstate operators with ITDM. These changes eliminate the three-year CMV driving requirement and significantly reduce the required time for management of the diabetic condition with insulin treatment.

FMCSA's exemption process supports drivers with ITDM who seek to operate in interstate commerce. In addition, the Federal Motor Carrier Safety Regulations (FMCSRs) are not contrary to the Americans with Disabilities Act (ADA) of 1990. The mandates of the ADA do not require that FMCSA alter the driver qualification requirements contained in 49 CFR part 391. The Senate report on the ADA, submitted by its Committee on Labor and Human Resources, included the following explanation:

With respect to covered entities subject to rules promulgated by the Department of Transportation regarding physical qualifications for drivers of certain classifications of motor vehicles, it is the Committee's intent that a person with a disability applying for or currently holding a

job subject to these standards must be able to satisfy these physical qualification standards in order to be considered a qualified individual with a disability under Title I of this legislation. S. Rep. 101-116, at 27 (1989).

FMCSA relies on the expert medical opinion of the endocrinologist and the medical examiner, who are required to analyze individual ability to control and manage the diabetic condition, including the individual ability and willingness of the driver to monitor blood glucose level on an ongoing basis. Until the Agency issues a Final Rule, however, insulin-treated diabetic drivers must continue to apply for exemptions from FMCSA, and request renewals of such exemptions in a timely manner. FMCSA will grant exemptions only to those applicants who meet the specific conditions and comply with all the requirements of the exemption.

### Conclusion

After considering the comments to the docket and based upon its evaluation of the exemption application, FMCSA exempts Thomas G. Deke from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31136(e) and 31315, the exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: May 12, 2006.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Agency Information Collection Activities

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice of OMB approvals.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44

U.S.C. 3501 *et seq.*) and 5 CFR 1320.5(b), this notice announces that new information collections requirements (ICRs) listed below have been approved by the Office of Management and Budget (OMB). These new ICRs pertain to 49 CFR parts 213, 216, 229, and 238. Additionally, FRA hereby announces that other ICRs listed below have been re-approved by the Office of Management and Budget (OMB). These ICRs pertain to parts 230, 241, and 260. The OMB approval numbers, titles, and expiration dates are included herein under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292), or Victor Angelo, Office of Support Systems, RAD-43, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6470). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to display OMB control numbers and inform respondents of their legal significance once OMB approval is obtained. The following new FRA information collections were approved in the past four months: (1) OMB No. 2130-0010, Track Safety Standards (Continuous Welded Rail) (49 CFR 213) (Interim Final Rule). The expiration date for this collection of information is January 31, 2009. (2) OMB No. 2130-0544, Passenger Equipment Safety Standards (49 CFR 216, 229, and 238) (NPRM). The expiration date for this collection of information is March 31, 2009. (3) OMB No. 2130-0568, Emergency Order No. 24. The expiration date for this collection of information is June 30, 2006. (4) OMB No. 2130-0570, Work Schedules and Sleep Patterns of Railroad Dispatchers (Forms FRA F 6180.122 and FRA F 6180.123). The expiration date for this collection of information is February 28, 2009.

The following information collections were re-approved: (1) OMB No. 2130-0505, Inspection and Maintenance Standards for Steam Locomotives (49 CFR 230) (Forms FRA-1, FRA-2, FRA-3, FRA-4, FRA-5, FRA-19). The new expiration date for this information collection is February 28, 2009. (2) OMB

No. 2130-0500, Accident/Incident Reporting and Recordkeeping (49 CFR 2225) (Forms FRA F 6180.54/55/55a/56/57/78/81/97/98/99/107). The new expiration date for this information collection is December 31, 2007. (3) OMB No. 2130-0548, Railroad Rehabilitation and Improvement Financing Program (49 CFR 260). The new expiration date for this information collection is February 28, 2009. (4) OMB No. 2130-0556, U.S. Locational Requirement for Dispatching U.S. Rail Operations (49 CFR 241). The new expiration date for this information collection is February 28, 2009.

Persons affected by the above referenced information collections are not required to respond to any collection of information unless it displays a currently valid OMB control number. These approvals by the Office of Management and Budget (OMB) certify that FRA has complied with the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and with 5 CFR 1320.5(b) by informing the public about OMB's approval of the information collection requirements of the above cited forms and regulations.

**Authority:** 44 U.S.C. 3501-3520.

Issued in Washington, DC on May 11, 2006.

**Belinda Ashton,**

*Acting Director, Office of Budget, Federal Railroad Administration.*

[FR Doc. E6-7517 Filed 5-17-06; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Notice of Limitation on Claims Against Proposed Public Transportation Projects

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of limitation on claims.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for public transportation projects in Norfolk, Virginia; Nashville, Tennessee; Phoenix, Arizona; San Francisco, California; and Portland, Oregon. The purpose of this notice is to activate the limitation on any claims that may challenge these final FTA environmental actions.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of any of the FTA actions announced herein for the listed public transportation projects will

be barred unless the claim is filed on or before November 14, 2006. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then the shorter time period applies.

**FOR FURTHER INFORMATION CONTACT:** Carl Bausch, Director, Office of Human and Natural Environment, (202) 366-1626. FTA is located at 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on these projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA), and in other documents in the FTA administrative record for the project. The final agency environmental decision documents—Records of Decision (RODs) and Findings of No Significant Impact (FONSI)—for the listed projects are available online at [http://www.fta.dot.gov/18087\\_ENG\\_HTML.htm](http://www.fta.dot.gov/18087_ENG_HTML.htm) or may be obtained by contacting the FTA Regional Office for the urbanized area where the project is located. Contact information for the FTA Regional Offices may be found at [http://www.fta.dot.gov/about/offices/4978\\_ENG\\_HTML.htm](http://www.fta.dot.gov/about/offices/4978_ENG_HTML.htm).

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, the National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4375], section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], section 106 of the National Historic Preservation Act of 1966 [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401-7671q].

The projects and actions that are the subject of this notice are:

1. *Project name and location:* Norfolk Light Rail Transit Project, Norfolk, Virginia. *Project sponsor:* Hampton Roads Transit. *FTA Regional Office:* Region III in Philadelphia. *Project description:* The project is a 7.4-mile light rail transit (LRT) system consisting of an exclusive double-track guideway that generally follows the Norfolk Southern Railroad's South Beach Branch right-of-way, with street-running operations through downtown Norfolk to the Eastern Virginia Medical Center.

The project includes 11 LRT stations, a vehicle storage-and-maintenance facility, and park-and-ride lots at four of the LRT stations. *Final agency actions:* ROD issued April 26, 2006; Section 4(f) Finding; Section 106 Memorandum of Agreement; project-level Air Quality Conformity Determination. *Supporting documentation:* Final Environmental Impact Statement issued October 28, 2005.

2. *Project name and location:* Nashville Central Station Project, Nashville, Tennessee. *Project sponsor:* Nashville Metropolitan Transit Authority. *FTA Regional Office:* Region IV in Atlanta. *Project description:* The project involves building a downtown bus transit center and transfer station. *Final agency actions:* FONSI issued February 6, 2006; project-level Air Quality Conformity Determination. *Supporting documentation:* Environmental Assessment, issued in June 2005, revised in February 2006.

3. *Project name and location:* Central Phoenix/East Valley Light-Rail Project, in metropolitan Phoenix, Arizona. *Project sponsor:* Valley Metro Rail. *FTA Regional Office:* Region IX in San Francisco. *Project description:* The project is a 20-mile light rail transit (LRT) line from the vicinity of Phoenix Spectrum Mall, through Tempe, to the East Valley Institute of Technology (EVIT) in Mesa. The LRT line will generally operate at grade on dual tracks in the center or at the side of existing streets, with crossings over the Grand and Tempe Canals and Tempe Town Lake. The project includes 28 stations, a maintenance facility and storage yard for the light rail vehicles, park-and-ride facilities at nine of the stations, off-street bus transfer facilities at five of the stations, and an operations control center. *Final agency actions:* ROD issued January 24, 2003; Section 4(f) finding; Section 106 Memorandum of Agreement; project-level Air Quality Conformity Determination. *Supporting documentation:* Final Environmental Impact Statement issued November 1, 2002.

4. *Project name and location:* Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project in San Francisco, California. *Project sponsor:* Transbay Joint Powers Authority. *FTA Regional Office:* Region IX in San Francisco. *Project description:* The project consists of three major components: a new, multi-modal Transbay Transit Center on the site of the present Transbay Terminal; the extension of Caltrain commuter rail line from its current San Francisco terminus at Fourth and Townsend streets to a new underground station underneath